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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,109	08/08/2001	Millard E. Sweatt III	22407-05391	2738
20306 7590 01/06/2009 MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP 300 S. WACKER DRIVE 32ND FLOOR CHICAGO, IL 60606				
EXAMINER				
BLAIR, DOUGLAS B				
ART UNIT		PAPER NUMBER		
2442				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/925,109

Applicant(s)

SWEATT ET AL.

Examiner

DOUGLAS B. BLAIR

Art Unit

2442

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-16, 18-20, 35-37, 58 and 60-75 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-16, 18-20, 35-37, 58 and 60-75 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/3508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/29/2008 has been entered.

Response to Amendment

Claims 1, 3, 19, 20, 35, 58, and 60 have been amended. Claims 1-3, 5-16, 18-20, 35-37, 58, and 60-75 are currently pending.

Response to Arguments

Applicant's arguments filed 12/29/2008 have been fully considered but they are not persuasive. The applicant argues that Susskind does not teach or suggest a plurality of Internet Web Site Hosts and that the Internet Web Site Host in Susskind cannot be considered the claimed web portal.

In response to the first argument the Examiner directs the applicant to paragraph 35 which states, "The Internet Web Access Device 21 runs standard HTML Web browser that is pointed to a ULR for the Internet Web Site host 23, which may be any commercial Web Site, for example: 'www.sony.com'". Therefore if www.sony.com is just an example of an Internet Web

Site host then there must be more than one Internet Web Site host. This disclosure by Susskind is enough to satisfy the applicant's broad claim terminology.

In response to the second argument the Examiner does not see any limiting definition of the term "web portal" either cited by the applicant or within the applicant's specification. Therefore the Examiner's interpretation of the claim is maintained.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5, 7-10, 14-16, 18-20, 35-57, 58, 60-65, and 69-75 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication Number 2001/0046366 by Susskind.

As to claim 1, Susskind teaches a computer-implemented method stored as a computer program on a computer readable medium and executed by a processor for enabling a user to directly and remotely control a media-based device while simultaneously accessing related information from any one of a plurality of web portals (paragraph 35, see arguments section above), the method comprising: providing an Application Program Interface (API) located remotely from each of the plurality of web portals, each given one of which in operation, permits data retrieved from at least one database concerning the media-based device to fit a format

associated with the web portal (paragraph 31, the standard HTML interface is the API); receiving a user request from the user (paragraph 35); and in response to the user request, initiating at least one API routine to retrieve from the at least one database the data concerning the media-based device, while the at least one database is in communication with the media-based device through a network (paragraph 35).

As to claim 2, Susskind teaches the method of claim 1, further comprising: transmitting to the user information in accordance with the retrieved data (Figure 4).

As to claim 3, Susskind teaches the method of claim 1, wherein each web portal is a web server executing a web hosted application (paragraph 35).

As to claim 5, Susskind teaches the method of claim 1, wherein the user request is in HTTP command format (paragraph 31, any device accessing the internet is using HTTP).

As to claim 7, Susskind teaches the method of claim 1, wherein the data concerning the media-based device comprises a channel line up corresponding to the media-based device (paragraph 35).

As to claim 8, Susskind teaches the method of claim 7, wherein the data concerning the media-based device further comprises an electronic program guide based on the media-based device's channel line up within a specified period of time (paragraph 35).

As to claim 9, Susskind teaches the method of claim 7, wherein the data concerning the media-based device further comprises a list of shows within the media-based device's channel lineup corresponding to certain value of at least one specified show attribute (paragraph 35).

As to claim 10, Susskind teaches the method of claim 9, wherein the at least one specified show attribute concerns show titles (paragraph 35).

As to claim 14, Susskind teaches the method of claim 7, wherein the data concerning the media-based device comprises values of show attributes of a specified show within the media-based device's channel lineup (paragraph 35).

As to claim 15, Susskind teaches the method of claim 1, wherein the data concerning the media-based device comprises a list of shows recorded by the media-based device (paragraph 35).

As to claim 16, Susskind teaches the method of claim 1, wherein the data concerning the media-based device comprises a list of requests to the media-based device for recording specified shows (paragraph 35).

As to claim 18, Susskind teaches the method of claim 1, wherein the at least one database includes a box profile database containing profile of the media-based device, the box profile database being communicatively coupled with the media-based device (paragraph 41).

As to claim 19, Susskind teaches the method of claim 1, wherein the at least one database includes an electronic program guide database (paragraph 35).

As to claim 20, Susskind teaches the method of claim 1, wherein the at least one database includes a box transaction database containing information relating to shows recorded or scheduled to be recorded by the media-based device, and relating to requests to the media-based device for recording specified shows, the box transaction database being communicatively coupled with the media-based device (paragraph 35).

As to claims 35-57, 58, 60-65, and 69-75, they feature limitations found in claims 1-3, 5-16, and 18-20 and are therefore rejected for the same reasons as claims 1-3, 5-16, and 18-20.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication Number 2001/0046366 by Susskind in view of U.S. Patent Number 7,124,356 to Alsafadi et al.

As to claim 6, Susskind teaches the method of claim 2, however Susskind does not explicitly mention the use of XML.

Alsafadi teaches a video recording device that responds to commands transmitted in an XML format (See discussion in columns 5 and 6).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Susskind regarding the remote control of a media recorder with the teachings of Alsafadi regarding the use of XML because the teachings of Alsafadi provides a specific method of implementing concepts otherwise taught by Susskind in a generic manner.

Claims 11-13 and 66-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication Number 2001/0046366 by Susskind in view of U.S. Patent Application Publication Number 2007/0240181 by Eldering et al.

As to claims 11-13, Susskind teaches the method of claim 9 including an electronic program guide; however Susskind does not explicitly teach an electronic programming guide featuring actors, ratings and descriptions.

Eldering teaches an electronic programming guide featuring actors, ratings and descriptions (paragraph 60).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Susskind regarding the remote control of a media recorder with the teachings of Eldering regarding an electronic programming guide featuring actors, ratings and descriptions because Eldering provides a specific method of implementing concepts otherwise taught by Susskind in a generic manner.

As to claims 66-68 they are rejected for the same reasoning as claims 11-13.

Conclusion

All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOUGLAS B. BLAIR whose telephone number is (571)272-3893. The examiner can normally be reached on 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Douglas B Blair/

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Primary Examiner, Art Unit 2442